

Senate Study Bill 3102 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the standard for judicial review of agency
2 action in a contested case and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.19, subsection 7, Code 2016, is
2 amended to read as follows:

3 7. In proceedings for judicial review of agency action
4 a court may hear and consider such evidence as it deems
5 appropriate. In proceedings for judicial review of agency
6 action in a contested case, however, a court shall ~~not itself~~
7 ~~hear any further evidence with respect to those issues of fact~~
8 ~~whose determination was entrusted by Constitution or statute~~
9 ~~to the agency in that contested case proceeding~~ review the
10 record of the agency action de novo. Before the date set for
11 hearing a petition for judicial review of agency action in a
12 contested case, application may be made to the court for leave
13 to present evidence in addition to that found in the record
14 of the case. If it is shown to the satisfaction of the court
15 that the additional evidence is material and that there were
16 good reasons for failure to present it in the contested case
17 proceeding before the agency, the court may order that the
18 additional evidence be taken before the agency upon conditions
19 determined by the court. The agency may modify its findings
20 and decision in the case by reason of the additional evidence
21 and shall file that evidence and any modifications, new
22 findings, or decisions with the reviewing court and mail copies
23 of the new findings or decisions to all parties.

24 Sec. 2. APPLICABILITY. This Act applies to proceedings
25 for judicial review of agency action in a contested case under
26 section 17A.19 commenced on or after the effective date of this
27 Act.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 Current law states that in a proceeding for judicial review
32 of agency action in a contested case, a court shall not itself
33 hear any further evidence with respect to those issues of fact
34 whose determination was entrusted by Constitution or statute to
35 the agency in that contested case proceeding.

1 This bill provides that in a proceeding for judicial review
2 of agency action in a contested case, the court shall review
3 the record of the agency action de novo. Such review generally
4 means that the court is not bound by the agency's findings of
5 fact or law and will independently review those findings.

6 The bill applies to proceedings for judicial review of
7 agency action in a contested case under Code section 17A.19
8 commenced on or after the effective date of the bill.